SINGLE BENCH

(4) (4)

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

Writ Petition [$] No. 34 /2007

PETITIONER : State of Chhattisgarh, Through the District Chief Medical & Health Officer, Government District Hospital Durg, District : Durg [***Chhattisgarh***]

P.R. No. 125262
Presented by Sanjay S. Agrawal
dated 12/1/24

Versus

RESPONDENT : Abdul Kayyum, S/O Late Abdul Kasim, aged about 40 years, R/O Behind Office of the Chief Medical Officer Durg, District Hospital Durg [***Chhattisgarh***]

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(57)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (L) No. 34 of 2007

Petitioner : State of Chhattisgarh, through the District Chief Medical & Health Officer

Versus

Respondent : Abdul Kayyum

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Mr. Satish Gupta, Dy. Govt. Advocate for the petitioner/State.

O R D E R

(Passed on this 20th day of February, 2007)

1. According to learned counsel appearing for the petitioner, the award was passed by the Labour Court, Durg in Case No. 2/I.D.Act/Reference/2002 on 29.7.2002 (P/1) directing reinstatement of the petitioner with full back wages, payable within a period of 60 days. The petitioner did not prefer any petition before the High Court against the award dated 29.7.2002, passed by the Labour Court.

2. The respondent proceeded in execution before the Labour Court. The Labour Court in Case No. 47/I.D. Act. Civil/2005, vide order dated 3.1.2007 (P/2) held that the Labour Court, earlier, vide award dated 29.7.2002 directed reinstatement with full back wages, which was not complied with. The award attained finality as no petition was filed in the High Court against the said order. Accordingly, the Labour Court in exercise of his jurisdiction under Section 33-C (2) of the Industrial Disputes Act, 1947 directed the Chief Medical Officer, Government Hospital, Durg to deposit Rs. 2,98,000/- in the Court within a period of 15 days.

3. Admittedly, no case is pending in the High Court and no stay has been granted by any of the Court or Tribunal. Thus, the petitioner is liable to honour the order dated 29.7.2002. The order dated 3.1.2007 passed by the Labour Court under Section 33-C (2) of the Industrial Disputes Act, 1947 does not call for any interference, on the mere execution of the award dated 29.7.2002, which remains unchallenged and has attained the finality.

4. It well settled that the remedy of a person aggrieved by such a decree is to have it set aside in a duly constituted legal proceedings or by a superior court failing which he must obey the command of the decree. The petitioner has not taken recourse to any remedy setting aside the award and the award attained finality. Thus, this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot go into the finding of the facts, except in case of jurisdictional errors and such conclusions are perverse.

5. The writ petition is accordingly dismissed. No order as to costs.

6. It is ordered accordingly.

Sd/-
Satish K. Agnihotri
Judge